## THE SABBATH INTERVENED.

The Case of Charles Foushee Will Be Resumed To-Morrow Morning.

EXPERT TESTIMONY PRO AND CON.

Dr. J. Allison Hodges a Good Witness for the Defense\_One of the Jurors Objected to Hearing the Case After Midnight. The Instructions to the Jury.

ainst Charles Foushee and Frank Jerdan, who are charged with the killing of the guard Edward V. Tinsley, at the of the guard Edward V. Imssey, at the reformatory school, at Laurel station, ended yesterday in the Henrico County Court. It had been generally expected that the case would be given to the jury late last night, but one of the jurors ob-jected to the continuation of the argu-ment after midnight, and so the case will be closed to merrow. be closed to-morrow.

After a very severe cross-examination of Mrs. Moon by Commonwealth-Attorney Sands early in the merning, which brought tears, not only in the eyes of the witness, but also of some of the jurymen, a good deal of expert testimony on the question of insanity was heard, Dr. Hodges proving himself a splendid witness for the defence.

Almost the entire day was spent in concluding the evidence, and at the beginning of the evening session the summing up of counsel was commenced.

THE TESTIMONY.

Mrs. Moon, the mother of Charles Foushee, one of the boys who is being tried
in the Henrico County Court upon the
charge of killing Edward B. Tinsley, a
guard at the Reformatory School at
Laurel station, was recalled to the witness stand when the second day's proceedings of the trial commenced in the
Henrico County court-house yesterday

Menrico County court-house yesterday morning at 10 o'clock. "Charles Foushee's father's name was Benjamin Foushee," said the witness. "I married him about seventeen years ago married him about seventeen years ago in Chatham county, after I knew him about a year. He had been living in the county then only a short time. I knew that he was not right before I married him. He showed that he did not have good sense. He was weak-minded, but was not out of his head. He was no manager. He was engaged in farming-working for Mr. Wm. Holsman. He did not act right and was somewhat peculiar. He was a hard-working man, and that is what killed him, I believe, He was not a drinking man and I never

saw him under the influence of liquor."
Witness was questioned very closely
as to the peculiarities of her husband
and his sister, Mary Ann Lindsay, but she could not say anything except that they did not have good sense. She made similar statements in regard to Recky Ringstaff, another sister of her husband. who, she thought, was the worst one in the bunch. Elijah Foushee, a brother of her husband, tried twice to hang himof her husband, tried twice to hang him-self with a plow-line. Mary Ann Mc-Kenney, a half-sister of Charles Fou-shee, is also half foolish-she cannot act right-she cannot read or write. My sis-ter told me that Mary Ann tried to hang herself in her sister's house. Jackson Foushee, a half-brother of Charles Fou-shee, was like the rest of them, he talked foolish and acted foolish.

THE RUNAWAY.

"My son Charles left me about three years ago, when he went to Richmond. He was not yet eleven years old. I think it was about September. I was living in Concord. He ran away by himself and He ran away by himself and when I heard from him again he was at the reformatory school. I visited him here about two years ago last Christmas. I did not search for him when he ran away; he had been running away so

about seven years old. He then went to some of his kinfolks, a distance of about six miles. Soon afterwards he ran away again. When he was about nine or ten years old I sent him to his uncle. Charles Bradshaw, at Charlotte, distance of about sightly miles. distance of about eighty miles. "When he was about eight years old

e had to chain him in the house while and my husband were working in a cotton mill, in order to keep him from When we came home we let We kept this up for about Once he got on the railroad track and had to be pulled off.
"Another time he jumped into the river

When he fell out of the barn loft. When he fell off the horse he broke his arm in two places and when he fell out of the barn left he was knocked out of his senses. I sent him to school for three sessions, and started him when he was a little over five years old. He just learned his A P. C.

learned his A B C's.
"I have taken the boy a number of times to the Methodist Sunday-school when he was quite small."

The cross-examination of the witness

as kept up for nearly two hours and was at times rather severe, driving tears into the eyes of the mother. She finally stated that she had not spoken to her son since she had come here to testify during the trial.

On re-direct examination witness stated that the punishment given the boy was such as to correct him. Her husband only punished him when she asked him Dr. Stochert, the physician who was pres ent when the boy's arm was set, did not come to Richmond, because he was far away at the time. He had promised to however, and so did another wo-Mary Ann, but she was sick. Mr. David Crabtree was next called by

counsel for the defence,
"I live at Burlington, N. C." he said.
"Mrs. Moon is my sister-in-law-I married years, but did not know much about them before I was married. I have been mar-

ried about twelve years. I knew Ben. Foushee. He was not intelligent; rather dull-minded, like an idiot. I knew his brother Elljah. He was not considered a bright minded man; he did not have good sense.
"I didn't know Mrs. Lindsay, but have seen Mrs. Ringstaff a good many times. She was about like her brother, and not considered bright. I knew Mrs. Niece, the half-sister of Charles Foushee; she

the worst of the children.
"I knew Jackson Foushee, and waited

on him until he died. poor farmers, but made a pretty good living for poor people. Charles' father did not seem to care for anything else

sense. His stepfather and his mother have always been kind to him, endeav-oring to control him, but did not suc-

'I don't think he knows the difference between right and wrong. I saw him when he began to walk; he would run right against a wall or a door and butt his head. He seemed to enjoy it, and I his head. He seemed to enjoy it, and I said at the time, I did not think he had

A TERRIBLE LAD. A TERRIBLE LAD.

"I had to pull him off a railroad track to prevent his being run over by cars. He was then about eight years old. His mother endeavored to control him. I have seen him chained or tied in a room, was said. It was not an absolute in-

but it was not done from an act of bru-tality; it was necessary to protect him and keep him in the room.

"He was sent to his uncle's, but he would not stay there, and came back to Burlington. This was in winter, while it was cold. The boy then stayed with his mother for a while and, I think, he was afterwards sent back to his uncle's, when he ran away again and came to when he ran away again and came to

Mr. Ben. Foushee tried to kill his first wife, and cut all her clothes off. Mary Ann McKenney tried to hang herself, but I did not see that with my own eyes. The boy never did seem to me as if he was human; he never showed any human fo ing. He would not mind being whipped. I have seen him sitting around, appearing to be in deep study."

Before the cross-examination of Mr. Crabtree was gone into, Mr. Potts stated that the Board of Directors of the Re-formatory paid the expenses of Mr. Crab-

formatory paid the expenses of Mr. Crab-tree and Mrs. Moon while here in Rich-mond, and that the railroad company had kindly furnished transportation. Witness stated, when asked by Mr. Sands, that he did not know from his own knowledge that Charles' father tried to kill his first wife. The rest of the cross-examination did not bring out any

THE PROSECUTION.

At this juncture the prosecution took up the examination-in-chief of the witnesses the examination-in-chief of the witnesses of the Commonwealth again. Miss Wheelman, the nurse at the Reformatory, was first called, and told of the instructions left by Dr. James after Mr. Tinsley had been hurt, which were to keep him quiet. He did not move at all.

all.

Mr. F. L. Thompson, one of the guards of the school, who has charge of the collar-shop, knew Foushee since May 18, 1856. He requested to be taken out of the shop on the afternoon of November 27th, and witness reported the request to Mr. Gibson, the detailing officer. The request was granted.

said he believed Feushee to be of sound mind, but the question was ruled out. On cross-examination witness said he was almost positive that it had been an

to go where he was, and did, therefore, not know what took place. She was noti-

On cross-examination witness said her husband was kind and good and tried to be faithful in everything he did.

DR. HODGES' TESTIMONY It was shortly after 4 o'clock yesterday afternoon when the court adjourned, spent by Judge Wickham in consultation with counsel as to the instructions to be submitted to the jury.

Dr. J. Allison Hodges, a physician and surgeon in this city, was called first as an expert witness by counsel for the de-

tal diseases at the University College of Medicine," he said in answer to questions, "and am considered an expert as to insanity cases. Insanity is, to use a plain definition, departure of the man's normal self. This disease has a good many causes. Education, either too many causes. Education, either too much of it, or not enough, is one of the causes. Others are civilization and its progress, religion, chronic diseases, drunkenness, heredity, insane temperament,, sex, certain periods of life. He-redity furnishes the largest number of insane cases; about 30 per cent. may be found in asylums, as the cause; but 1

"The insane temperament is the cona bad descent, with a predisposition to is impossible to tell by looking at a man or monomania, where, by all appearances, there may be no insanity, except on one fixed point. Men may be perfeetly rational on general subjects, but insane person cannot always be judged insane by one act; the man is often able to conceal the fact of his diseased mind, upless a man might be examined by experts, and the point of illusion is touched upon. In that instance, he would

show it at once.
"The bestial tendency and disposition in a being from early childhood will manif a being from early children will manifest itself to a considerable extent in insane persons. If a boy of fourteen years committed a cold-blooded killing, and made the statement that he was bloodthirsty, and if he should afterwards. should have been in h-1 long ago, it would indicate a diseased mind, especially if it was shown that his father, and his father's blood relations had evidences of insanity. The bloodthirstiness, the heredity through the family, would indidocio. The cursing might have a gen-

ery of insanity.

AS TO SUICIDES.

"The fact that a person commits suicide is not in my opinion absolute indication of insanity. If such an effort was made by a child I would modify my opinion, inasmuch as suicide among children is a very rare thing. The question whether a man or child was insane might be strengthened by his cruel treatment of animals about him. If by virtue of heredity and insane temperament the fact of incarceration in a reformatory with youthful criminals was added, it would youthful criminals was added, it would have the tendency to bring out this temtive for the taking of human life coupled with the circumstances related in this supposed case would be more or less a characteristic of insanity or a tendency to insanity. A continuous heredity on the father's side evidenced by weak men-tal condition would likely give the son of that father the inherited insane temof that father the inherited insane temperament. Some people say it comes especially on the mother's side, but it is found on the father's side too. The fact that such deed was committed in the presence of guards and witnesses from whom there could be no escape, together with the want of motive would not usually be characteristic of a sound mind. The fact that the boy gave as a rear for killing a man that he had acted smitaken in connection with the other circumstances would have its weight in indicating that this temperament of insanity had shown itself."

ity had shown itself. ity had shown itself."

Mr. Pare then summed up the entire hypothetical case to the witness and asked his opinion shout it. Dr. Hodges replied that the facts related to him would most probably indicate a diseased mind.

dication of insanity, when a man ited. Replying to a question by Mr. Potts, wit-ness said it was highly probable that a boy was insane if he killed a man under circumstances mentioned by Mr

Hodges was then cross-examined by Mr. Sands and while in some instances he slightly modified his former state-ments, as the hypothetical questions were changed, yet on a whole he maintained his former expert testimeny.

When Mr. Sands laid before Dr. Hodges

in detail a hyponetical case, based on the testimony brought out by the Com-monwealth during the trial, the witness said that a number of the facts mentioned as to have happelled would indicate the

existence of insanity.
DR. MONTERIO TESTIFIES.

Dr. A. Monteiro was then introduces as an expert witness by the Common wealth. "I have been a practicing phy sician for forty-four years," he said, "and have been for three years in charge of the male department of the Eastern Lu-natic Asylum, in, Williamsbug, and had between four and five hundred patients under me. I consider myself an exper-on insanity and mental troubles. I have visited the prisoner at the bar twice in jail, and examined him five or six days

age with the boys in his department. He was monitor in the domitory up to the night before the killing. He could not recollect any net of the boy that was different from the behavior of others. He had not known anything about the boy that would have led him to think that he was weak-minded. A recess was then taken until 350 P. M.

THE COURTS INSTRUCTIONS.

It was almost 3 o'clock when Judge Wickham econyened the court, and the

capable of knowing the marge and con-sequence of his act, and if he did know then that he was doing wrong, and that so knowing, he struck the deceased with the axe, with the wilful, deliberate, and premeditated purpose of killing him, then they will find the prisoner guilty of mur-der in the first decree.

train the impulse that may arise from diseased mind, such partial insanity is

If the jury believe that Charles Foushee committed the act that resulted in the death of Edward B. Tinsley under an irresistible impulse, which was the result of a diseased mind, they must ac-

The jury are further instructed that in defence to a criminal prosecution upon the ground of insanity it is not sufficient that the evidence should be of such a character only as to produce a doubt ou their minds as to the insanity of the accused at the time the act was committed. The burden of proof is on the accused to prove such insanity to the satisfaction of the jury, but it need not be proved beyond a reasonable doubt, but by a preponderance of the evidence merely. And if upon the whole evidence they believe the accused was insane when he

leve the accused was insane when he committed the act, they should acquit him on that ground.
"If the Jury acquit the prisoners or either of them, by reason of believing him insane, they will so state in their

THE SUMMING UP.

Mr. John B. Gayle then commenced the summing up for the prosecution and carefully went over the entire testimony brought out during the two days of the trial. Mr. Gayle spoke for an hour and ten minutes and was followed by Mr. Hardin T. Burnley, on behalf of the defence, who endeavored to show to the ury from the testimony that there was cause for insanity and that symptoms of nearly had been shown in young Foundaide a number of strong points in behalf of his chient.

owed by Mr. Allan Potts, on behalf of the defence, who went into the history of the life of the boy in detail, so as to show the justification of the plea of in-

testimony, connecting the boy with

ment for the Commonwealth. Before he had an opportantly to address the jury, however, Judge Wickham stated that he intended to go on with the case, although

had conscientions scruples to continue he trial on the Sabhath. An adjournmen

Fought for Lee.

he had stood the Insult just as long as decency and a vetoran's hadre demanded, and he drew back the hand which once carried a Confederate musket and let it come in contact with the stranger's face. A lively acrimanze immediately followed. Both the strangers attacked the judge. He fought valiantly, but he was overpowered and home to the floor. While down he was cut in two places by one of his assailants. As soon as the difficulty was over the strangers disappeared and no one seems to know who they are or where they can be found.

Dr. Rutter was summoned and he dressed Judge Roders's wounds and had him conveyed to his home in West End. This morning the judge was resting well and

morning the fulge was resting well and may be out again in a few days.

One of the krife wounds was on the top and back of the head and opened the scalp for about two inches; the other was on the left side of the face in the letter of the side of the face in the letter of the side of the face in the

History of Shoes.

Necessity has been the moving cause in the invention of most of the things we wear and use. The shoe is a very good example of this. The hot mands of the desert became so painful to the bare foot that the Egyptians had to devise some method of relief. They braided palm-leaves and similar materials into tectors to the fest of their camels. These were the first shoes,
A sacred song says; "How graceful

are thy steps in sandals. O princess!" an allusion to the fact that the Hebrews enriched the hitherto plain footgear with

arch of the foot.

The Syrians wore yellow shoes. The Greeks and Romans improved the sandal and invented different forms and shades to be worn by the different classes. Please of the control of the con

After awhite luxury in the matter of footgoar spread and there was a time when shoes were ornamented with precious jewels, gild and silver embroiders, studded with pearls and, wonderful to relate, had golden soles. Each sex and class were different shoes and if a man changed, his station in life the fact was accounted by the state of the has changed

In the eleventh cantury various materials were used to make shoes, fine kid leather being then invented and sold for

occurred with which the accused stands charged.

The jury are further instructed that in defence to a criminal prosecution upon the ground of insanity it is not sufficient that the evidence should be of such a character only as to produce a doubt ou their minds as to the insanity of the accused at the time the act was committed. The burden of proof is on the accused to prove such insanity to the satisfaction of the jury, but it need not be proved beyond a reasonable doubt, but by a preponderance of the avidence merely.

## Half-Price Selling!

A plain talk about it.

Don't class fact with fallacy. Don't judge the courageous effort of sincerity by the misrepresentations of sensationalism. Forget the fakes and their methods. OURS. There is logic in our losing-reason in our reductions. We're fighting conditions-making up for lost time-overcoming the influence of a too-mild season. We're Moving \$30,000 worth of Men's and Boys' Clothing by the power of price-Clothing that should have sold-would have sold readily at it's regular marking-if old winter hadn't turned traitor to the calendar. And who deserves to reap the advantage of what we must sacrifice more than the people-our patrons-the makers of this great store?

EVERY GARMENT ON THE FIRST-FLOOR IS IN THIS S Not only benefits the Men-but the Boys and the Children. Even Full-Dress Suits are being offered at Half Price. REMEMBER-EVERY STITCH OF THIS STOCK IS SAKS-MADE-that's all the guarantee you need-and you may take

your choice at

50c. on the dollar of the Marked Price. which is the actual value price. See how little is left to pay for the finest Clothing produced in America.

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Half Men's Overcoats from \$ \$1.25 up. Price Boys' Overcoats from \$3 up. \$ \$1 up.

|Men's Suits from \$3.75 up. & Children's Overcoats from Boys' and Children's Raef-[O] W Men's Pants from \$1 up. \$\frac{1}{4} ers from \$1.25 up. Boys' Suits from \$3 up. \$Boys' Long Pants from Children's Suits from \$1.25 & Children's Knee Pants from

Richmond's Live Outfitters - 'Saks' Corner." 

"Indeed, "wild bear meat is exceeding-ly rare newadays. Once in a while a butcher gets hold of a tame bear, whose owner finds him to be more trouble and and sells him to the butcher. These pet bears are always fat and tender, but they haven't that fine, gamy flavor so highly prized in the wild black bear. In fact, the and put the meat on sale for Christmas.
The carcass was exhibited in the skin, to show that it was a genuine bruin, and it sold like hot cakes for fifty cents a pound. If went so fast that it was all gone before the butcher knew it, and he had numerous calls for more. A bright idea struck him, and he gave it out that he would have another hear on sale the he would have another bear on sale the next day. He bought up three or four big, fat, aged hogs. When one was killed he was skinned, the head and hoofs re-It went off rapidly at fifty cents a pound. This game was kept up until all the bear-hungry people of the town were satisfied.

In a Few Words,

The Automobile club of Paris has se cured fifteen automobile carriages for the use of members. They are to have a regular stand in the Place de l'Opera, but only members of the club may hire Young Gerald Du Maurier, who is now

acting in New York city, precipitates dis may at this late day by the announce ment that his illustrious father pronounce ed the name "Svengui" with the accent on the first syllable. This is in accord-ance with the usual method of pronounc-ing Slavenic names.

The Peruvian press is responsible for

The Peruvian press is responsible for the statement that criminals are practically unchecked in Santiago. One paper makes the allegation that 2,000 persons were found injured in the streets of Santiago by the police from the month of July to the middle of September. Electricity cannot be stolen in Germany.

A young gentleman brought to The Virducks. It was discovered and it nota-ble, that every one of The Vir-ginian employes was expecting ducks, and that tone was named Collins, neither was Mr. Collins employed by the

to develop the owner of the same, and the directory revealed the names of several Captain Hudgins, neither of whom could be reached by telephone, so the ducks. It was discovered and is notationally the did rear All day Captain Hudgins.

And he threatened and he ploved a war-like tune.

So they fought him and he beat them; and the salden paths to day.

Tell a sorry take of rung and defeat.

For the cruel wind is rearing and before him, whirling searing. but he did not. All day Captain Hudgins or Mr. Collins was expected to call at the office and say, to paraphrase the "Merchant of Venice": "Where is my duck-at?" but neither came.
Two of the employes of The Virginian

the Capitol grounds planted by John C. Calheun, Dixon H. Lewis, and "Honest" John Davis have all died, the one which was planted under Charles Sumner's dirent of an electric company to run his own motors was acquitted on the ground that what a mountain material object can

he kiesed them as he passed.

When the uniforms they wore were fresh and green.

And they trusted in him blindly, for they thought his voice was kindly.

As he wildspered through the copples of

Large Profits.

The profits of the Comedia Francaise All the Others I el

A member of the Park Commission of Washington tells a reporter the interesting circumstance that, while the trees on the Capital sequence of the Park of the second are 24.

On france each. The members complain that their portions are smaller than they have been on account of the large.